



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 06-61

June 22, 2012

Investigation by the Department of Telecommunications and Energy on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.T.E. No. 14, filed with the Department on June 16, 2006, to become effective July 16, 2006, by Verizon New England, Inc. d/b/a Verizon Massachusetts.

**ORDER ON MOTION OF VERIZON MA TO REVISE SCHEDULE
AND ON STIPULATION AS TO AVOIDED COSTS IN ACCOUNT 6124**

The Department of Telecommunications and Cable¹ ("Department") approves the Stipulation as to Avoided Costs in Account 6124 ("Stipulation"), submitted jointly by Verizon New England Inc., d/b/a Verizon Massachusetts ("Verizon") and the CLEC Coalition² on June 14, 2012. Specifically, the Department accepts the parties' agreement to use a 33.17% proxy of the percentage costs in Account 6124 that are avoided on resale as reasonable. The parties are sophisticated; longstanding operators in the telecommunications business; and their agreement to

¹ Pursuant to Chapter 19 of the Acts of 2007, the Department of Telecommunications and Energy was dissolved on April 11, 2007. 2007 Mass. Acts c. 19, §§ 1-54. Jurisdiction over telecommunications matters was placed in the newly-created Department of Telecommunications and Cable. *See* G. L. c. 25C, §§ 1-7. For administrative ease, "Department" as used herein refers to both Departments.

² As is the case throughout this proceeding, the term "CLEC Coalition" refers collectively to Broadview Networks, Inc.; DSCI Corp.; Eureka Telecom, Inc. d/b/a InfoHighway Communications; Metropolitan Telecommunications of Massachusetts, Inc. d/b/a MetTel; New Horizon Communications; and Earthlink Business f/k/a One Communications.

this 33.17% figure is reasonable. The Department directs Verizon to use this percentage in calculating its avoided costs.³

With respect to Verizon's pending Motion of Verizon MA to Revise Schedule ("Motion"), filed on June 1, 2012, the Stipulation addresses the issue in that motion. The Department accepts the parties' agreement that Verizon will file, on or before July 24, 2012, refunds calculated in accordance with the Department's January 5, 2012 Order on Reconsideration ("Reconsideration Order"), the May 11, 2012 Order on Clarification and Partial Reconsideration ("May 11 Order"), and the Stipulation. Verizon's filing on July 24, 2012 will calculate the refunds from March 17, 2007⁴ through April 30, 2012, along with an estimate of the refunds projected between May 1, 2012 and August 4, 2012.

The Department directs the CLEC Coalition to notify the Department whether it intends to file a response or objection to Verizon's filing within 14 days of the date the filing is served on the CLEC Coalition. Should the CLEC Coalition so notify the Department, the Department will schedule a conference call during which the Department and parties will discuss the issues, and, if necessary, set a briefing schedule.

By Order of the Department:

/s/Geoffrey G. Why
Geoffrey G. Why
Commissioner

³ The Department acknowledges that the parties have reserved all rights on appeal, and that the Stipulation shall not prejudice Verizon's appeal rights except as explicitly stated in Paragraph 4 of the Stipulation.

⁴ See Reconsideration Order, at 4 (explaining process by which the Department established the true-up date in this docket).